

REMARKS

Claims 1-28 were previously pending in the subject application. The Examiner has rejected claims 1-11, objected to claims 12-13, and allowed claims 14-28. Applicant has amended claims 1-2, 4-12, 14, 16, 18-20, 22, 24, and 26-28 and added new claims 29-33. Accordingly, claims 1-33 are now pending in the subject application. No new matter has been added.

Applicant will sequentially address various issues with respect to the subject application.

Specification:

Pursuant to the Examiner's suggestion, Applicant has amended the Specification to include updated information of related applications. Applicant wishes to thank the Examiner for identifying this problem.

In addition, Applicant has amended the Specification to include a brief description of the drawings, namely FIG. 1, FIG. 2, and FIG. 3.

Claim Rejections - 35 U.S.C. §102(b) and 35 U.S.C. §103(a):

Claims 1, 3, 5-6, and 10-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by SALYER I (U.S. Patent No. 4,908,166). Claims 2, 4, and 7-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over SALYER I in view of SALYER II (U.S. Patent No. 5,565,132). Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over SALYER I in view of BRYANT (U.S. Patent No. 4,756,958).

Applicant respectfully traverses the rejections with respect to claims 1-11. Nonetheless, in an effort to expedite the prosecution of the subject application, amendments have been entered to more fully distinguish over the prior art of record. In addition, various amendments have been entered for clarification or consistency.

Independent claim 1 includes a number of limitations that are not shown or suggested by the prior art of record, taken either individually or in combination. For instance, independent claim 1 recites "adding a wet cake of a phase change material to said melt to form a dispersion" and "heating said dispersion to reduce a water content of said dispersion." Applicant's review of the prior art of record did not identify any teaching directed to "adding a wet cake of a phase

change material to said melt to form a dispersion.” And, Applicant’s review of the prior art of record did not identify any teaching directed to “heating said dispersion to reduce a water content of said dispersion.” For these reasons, the prior art of record can neither anticipate nor render obvious the invention defined by independent claim 1.

Claims 2-13 depend from independent claim 1 and are allowable for at least the reasons set forth above for independent claim 1.

With respect to dependent claim 2, Applicant respectfully disagrees with the Examiner’s statement that “[m]aking material blends by mixing all the ingredients together or one or several at a time is well known in the art” and requests the Examiner to provide evidence to support this statement should the rejection be maintained.

With respect to dependent claim 4, the prior art of record fails to teach or suggest that “said wet cake of said phase change includes from about 60 to about 70 weight percent of said phase change material.”

With respect to dependent claim 12, the prior art of record fails to teach or suggest “heating said dispersion until said water content of said dispersion is less than about 0.15 weight percent.”

Independent claim 14 and its associated dependent claims 15-23 also include a number of limitations that are not shown or suggested by the prior art of record, taken either individually or in combination. The Examiner has previously allowed independent claim 14 and its associated dependent claims 15-23. Applicant respectfully submits that independent claim 14 and its associated dependent claims 15-23 remain allowable over the prior art of record.

Newly added claims 29-31 depend from independent claim 14 and are allowable for at least the reasons set forth above for independent claim 14.

With respect to dependent claim 29, the prior art of record fails to teach or suggest “adding a water-based form of said phase change material to said first melt to form said first blend” and “heating said first blend until a water content of said first blend is generally eliminated.”

With respect to dependent claim 30, the prior art of record fails to teach or suggest that “said water-based form of said phase change material is a wet cake of said phase change material.”

With respect to dependent claim 31, the prior art of record fails to teach or suggest that "said wet cake of said phase change includes from about 60 to about 70 weight percent of said phase change material."

Independent claim 24 and its associated dependent claims 25-28 also include a number of limitations that are not shown or suggested by the prior art of record, taken either individually or in combination. The Examiner has previously allowed independent claim 24 and its associated dependent claims 25-28. Applicant respectfully submits that independent claim 24 and its associated dependent claims 25-28 remain allowable over the prior art of record.

Newly added claims 32-33 depend from independent claim 24 and are allowable for at least the reasons set forth above for independent claim 24.

With respect to dependent claim 32, the prior art of record fails to teach or suggest that "said water-based form of said phase change is a wet cake of said phase change material."

With respect to dependent claim 33, the prior art of record fails to teach or suggest that "said wet cake of said phase change includes from about 1 to about 90 weight percent of said phase change material."

In conclusion, Applicant respectfully submits that the prior art of record fails to teach or suggest the structure or implementation of the invention recited in claims 1-33 and, thus, that the prior art of record cannot, as a matter of law, anticipate the claimed invention under 35 U.S.C. §102(b) or render the claimed invention obvious under 35 USC §103(a). Applicant, therefore, respectfully requests withdrawal of the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a).

Supplemental Information Disclosure Statement:

Applicant filed a Supplemental Information Disclosure Statement and accompanying Form PTO/SB/08A for the subject application on June 25, 2002. However, an initialed copy of the Form PTO/SB/08A was not returned in the Official Action dated July 2, 2003. Applicant respectfully requests the Examiner to consider the information identified in the Supplemental Information Disclosure Statement and return an initialed copy of the Form PTO/SB/08A to the undersigned. For the Examiner's convenience, a copy of the previously filed Supplemental Information Disclosure Statement and accompanying Form PTO/SB/08A is submitted herewith.

Summary:

For the reasons set forth above, Applicant respectfully submits that the subject application is in a condition for allowance. An early notice of allowance is, therefore, earnestly requested.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (650) 843-5852.

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